



DEPARTMENT OF THE NAVY
NAVAL DISTRICT WASHINGTON
1343 DAHLGREN AVE SE
WASHINGTON NAVY YARD DC 20374-5161

5720
Ser N00J/139
May 9, 2023

Via FOIA Online: aburckman@comcast.net

Ms. Andrea Burckman
720 Appomattox Road W
Davidsonville, MD 21035

Dear Ms. Burckman:

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2023-008484

This responds to your Freedom of Information Act (FOIA) request in which you seek the official classified position description and evaluation statement for the supervisor of the Equal Employment Office of Naval District Washington/Deputy EEO Officer or Director. Your request was received on April 7, 2023 and assigned tracking number DON-NAVY-2023-008484.

Your request was processed in accordance with the FOIA, 5 U.S.C. § 552. We have searched records within the possession of Naval District Washington, Navy Installations Command, and the Office of Civilian Human Resources. Six (6) pages of responsive documents were identified and are enclosed to this letter.

This is a partial release. Names of employees and supervisors were withheld under exemption (b)(6) of the FOIA.

Exemption (b)(6) allows an agency to withhold "personnel and medical files and similar files" if disclosure would constitute a "clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. *See United States Dep't of State v. Washington Post Co.*, 456 U.S. 595 (1982). To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information. *See United States Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749 (1989).

Under the FOIA, an agency may withhold information only if the agency reasonably foresees that disclosure would harm an interest protected by an authorized FOIA exemption or if disclosure is prohibited by law. If information must be withheld, the agency must consider whether partial disclosure of information is possible and take reasonable steps to segregate and release nonexempt information. In preparing my response to you, I considered this standard and determined that the privacy interest of employees named in the attached records was not

outweighed by the public interest. I have taken reasonable steps to segregate and release nonexempt information.

There are no fees for this request.

As your request is partially denied, you are advised of your right to appeal this determination by submitting an appeal to the Office of the Judge Advocate General (Code 14) using FOIA online at <https://foiaonline.gov> (the preferred method), or in writing to: Office of the Judge Advocate General (Code 14), 1322 Patterson Ave, SE, Ste 3000, Washington Navy Yard, DC 20374-5066. Your appeal must be postmarked within 90 calendar days from the date of this letter. As the requester, you have the burden of proving timely submission of any appeal. A copy of your initial request and this letter should accompany the appeal. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

For this determination, you have the right to seek dispute resolution services from the Department of the Navy FOIA/PA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. You may also seek dispute resolution services from the Office of Government Information Services (OGIS), the Federal FOIA/PA Ombudsman's office, at (202) 741-5770 or ogis@nara.gov.

If you have any questions regarding the processing of your request, you may contact the Naval District Washington FOIA/PA liaison at CNI.NDWFOIA@navy.mil.

Sincerely,



J. M. KENNEDY
Commander, U.S. Navy
Judge Advocate General's Corps
Staff Judge Advocate

Enclosure